

PATENT
129250-002052/CPA/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 10/017,833
Filing Date: December 12, 2001
Applicant: Alan Glen SOLHEIM et al.
Group Art Unit: 2613
Examiner: Hanh Phan
Title: WAVELENGTH ASSIGNMENT IN AN OPTICAL WDM NETWORK
Attorney Docket: 129250-002052/US/CPA

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT OR, IN
THE ALTERNATIVE TO REVIVE BASED ON UNAVOIDABILITY OR
UNINTENTIONAL ABANDONMENT**

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop PETITION

January 18, 2009

Sir:

Applicants hereby petition for withdrawal of the holding of abandonment in the above-identified application because Applicants' Response dated September 13, 2008 to the last non-Final Office Action was apparently not forwarded to the Examiner by the Electronic Business Center (EBC).

The Applicants' attorney, John E. Curtin, hereby submits the following statement in support of this Petition:

02/06/2009 CKHLOK 00000001 503777 10017833
01 FC:2452 270.00 DA
02 FC:2453 810.00 DA

APPLICANTS HEREBY PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT IN THIS APPLICATION.

1. Petition Fee: No Fee is believed due.
2. Reply and/or Fee: The correct Response to the May 14, 2008 Office Action is attached. No fee is believed due.
3. Terminal Disclaimer with disclaimer fee: Because this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

III. PETITION TO REVIVE

In the event the Applicants' Petition to Withdraw is not granted, the Applicants hereby alternatively petition for revival of the above-referenced application. The above-identified application was unavoidably and/or unintentionally abandoned for failure to timely file a response to the Office Action dated May 14, 2008. The entire delay in filing the required reply, namely the response to the Office Action, from the due date for the reply until the filing of this petition was unavoidable and/or unintentional. Thus, the abandonment was unavoidable or unintentional.

A. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS UNAVOIDABLY ABANDONED APPLICATION:

1. Petition Fee:
The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any fee, or credit any overpayment, to Deposit Account No. 50-3777 as well as for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, petition, Reply or extension of time fees.
2. Reply: A Response to the May 14, 2008 Office Action is enclosed.
3. Terminal Disclaimer and fee: Because this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.
4. Statement. The entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition was unavoidable.

B. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS UNINTENTIONALLY ABANDONED APPLICATION:

1. Petition Fee:

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any fee, or credit any overpayment, to Deposit Account No. 50-3777 as well as for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, petition, Reply or extension of time fees.

2. Reply: A Response to the May 14, 2008 Office Action is enclosed.

3. Terminal Disclaimer and fee: Because this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time and petition fees.

Date: January 18, 2009

By: /John E. Curtin/
John E. Curtin, Reg. No. 37,602

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